IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5179 OF 2007

Mahendra Madanlal Kala] .. Petitioner

Versus

1. Maharashtra State Electricity Distribution Co.Ltd. & 2 ors.] .. Respondents

Ms. Seema Sarnaik for the petitioner.

Mr. M.L. Acharya for the respondent No.2.

CORAM: S.B. MHASE &
D.G. KARNIK, JJ.

DATED: 15TH OCTOBER, 2007

P.C. :

1. Heard learned counsel for the parties.

2. By this petition, the petitioner challenges the letter dated 28th May, 2007, of the respondent No.1 cancelling the acceptance of the order. The letter states that as per the condition No.4 of the tender the petitioner was required to submit performance security deposit within the stipulated time. The petitioner did not submit the performance security deposit within the stipulated time. In the circumstances, we see no error in the decision of the respondent to terminate the order

as the petitioner had failed to fulfil the terms and conditions of the tender.

3. Furthermore, we notice that a fresh tender has been invited by the respondent as there were technical changes in the specifications. The petitioner has participated in the process and submitted fresh tender. Having participated in the fresh tender, petitioner cannot now challenge the cancellation of the first tender.

4. For these reasons, the Petition is rejected summarily.

Sd/-
[D.G. KARNIK, J.]

Sd/-
[S.B. MHASE, J.]